



**AMENDED**

**Town Board of Trustees  
Tuesday, May 24, 2016  
Public Meeting Room / Eagle Town Hall  
200 Broadway  
Eagle, CO**

*This agenda and the meetings can be viewed at [www.townofeagle.org](http://www.townofeagle.org). Meetings are also aired online at <https://vimeo.com/channels/townofeagle/>.*

**6:00 PM – REGULAR MEETING CALLED TO ORDER**

**PUBLIC COMMENT**

*Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic, unless arrangements have been made for a presentation with the Town Clerk.*

**PRESENTATIONS**

1. Events on Broadway (Ryan Murray, Red Canyon Café)
2. Vail Valley Trail Connection Update (Rich Carroll, President)
3. Eagle Valley Land Trust Update (Jessica Foulis, Stewardship Manager)

**CONSENT AGENDA** *Consent agenda items are routine town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation.*

1. Minutes – May 10, 2016

**EXECUTIVE SESSION – Previous and Current Personnel Actions and Reviews CRS § 24-6-402(4)(f)**

**DISCUSSION, DECISIONS OR DIRECTION REQUESTED**

1. Reappointment of Officers – Town Manager, Treasurer, Town Clerk, Municipal Judge, Town Attorney
2. RESOLUTION 24-2016 A Resolution Of The Board Of Trustees Town Of Eagle, Colorado Approving A Memorandum Of Understanding Between A & R Investment Limited Liability Company And The Town Of Eagle Concerning Certain Easements Requested By Black Hills Corporation.



<b><u>LAND USE</u></b>	
1. Project:	Eagle Tubing and Photography
File #:	TU16-01
Applicant:	Ken Hoeve
Location:	100 Fairgrounds Road / Chambers Park
Staff Contact:	Matt Farrar (Assistant Town Planner)
Request:	Temporary use permit for a mobile vendor at Chambers Park. <i>See Staff Report</i>
3. Project:	Second Street Suites Hotel
File #:	DR15-05
Applicant:	Daniel Ritsch (Wall Street Family Partners, LLC)
Location:	120 Second Street & 214 Wall Street
Staff Contact:	Tom Boni (Town Planner)
Request:	Major Development Plan review of a 23-unit boutique hotel. <i>Applicant requests continuance until June 14, 2016</i>
4. Project:	Second Street Suites Hotel
File #:	MS15-02
Applicant:	Daniel Ritsch (Wall Street Family Partners, LLC)
Location:	120 Second Street & 214 Wall Street
Staff Contact:	Tom Boni (Town Planner)
Request:	Minor Subdivision to consolidate two tax lots into one larger lot. <i>Applicant requests continuance until June 14, 2016</i>

<b><u>STAFF UPDATES AND REQUESTS</u></b>
1. Charitable Contributions from Municipal Court ( <i>Erin Ivie, Eagle Police Department</i> )
2. Eagle River Corridor Project ( <i>Article in American Whitewater, Bond Committee Update</i> )
3. Board Retreat Topics ( <i>Draft Agenda</i> )
4. Manager's Report

<b><u>BOARD DISCUSSION AND FUTURE AGENDA ITEMS</u></b>
<b><u>ADJOURN</u></b>

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.

\_\_\_\_\_  
Jenny Rakow, CMC Town Clerk

Dear Members of the Eagle Town Board,

I am writing today to express my concerns regarding the upcoming Bonfire Block Party event on June 3rd as well as future proposed events and closures. For the second year in a row, the Block Party event stands to negatively impact my business, the Red Canyon Cafe, as well as the businesses of several other Broadway entrepreneurs. In my tenure as a business owner on Broadway for the last ten years, closures and the impact they have had on the north end of Broadway have been a topic that I and others in business in the north end have brought to the attention of the town.

I'd like to add that my initial effort to be included in this year's event was to showcase my business to the many new visitors to our town and stay open late during the event. Red Canyon Cafe, if included inside event boundaries, would adjust business hours to be able to offer a great amenity to eventgoers. Red Canyon Cafe would be happy to have the opportunity to capture the attention of any new customer coming to town for any special event.

Last spring, Bonfire Brewing partnered with the Optimum event coordinator to launch their first Bonfire Block Party. At that time, I spoke to multiple stakeholders about the issues my business would face as a result of how the event played out. Because of the location of the stage, the cafe lost parking space. Because of the block party boundaries, the cafe lost accessibility. In short, because of the Bonfire Block Party, the Red Canyon Cafe lost more than 2/3 of its projected sales for the day last year. I will be following up to discuss the losses my business incurs this year.

As I mentioned, at the time of the initial Block Party, I discussed these issues with many people involved in the process, and I was assured that in future events my concerns would be addressed.

Fast-forward to 2016, and the now-annual Block Party is imminent. Unfortunately, nothing has changed from last year. Street closures and positioning of the stage will still limit the cafe's parking and accessibility. I was offered the 'opportunity' to be a food vendor at the event, but that would require special licensing, newly purchased equipment, a vendor fee, and staffing/training outside my normal business model, all to set up a food stand twenty feet from my front door. It is not my intention to be the party pooper, but considering the overall dynamic with involved and affected parties and lack of respect shown me and other business owners on the north end as taxpayers and business license holders, I feel that it is time for me to help set precedent in this case regardless of the future impact of the "Block" party. Many of the other nearby businesses plan to simply close up shop on the day of the Block Party, because the impact to their sales makes it not worth staying open. I find this dynamic quite unfortunate.

As I understand it, a block party is meant to be a casual, inclusive event where people come together to have fun and celebrate the great things their community has to offer. Wouldn't it be great if we could find a meaningful way to include all Broadway's businesses in our block party? Or, if inclusion is too lofty a goal, could we at the very least find a way to not detract from the normal operations of non-participating businesses? After all, the party is taking place in a public thoroughfare, a space which I and many other business owners generate sales tax revenue to support. It seems questionable, to say the least, that taxpaying businesses operating under Town of Eagle business licenses could be denied use of this public space with the Town's

consent; denied use, in fact, *because* the Town has partnered with one particular business who will be permitted to use this same public space for their own financial gain, at the expense and exclusion of other private interests.

Luckily, there is a simple solution. Because the Town of Eagle is such a vibrant, thriving community with so many robust local entrepreneurs bringing in tax dollars, our local government can afford to invest in the community. And it has done so, by developing a number of venues capable of hosting an event of this scale. The easiest solution would be to move the party to the Town Park at the end of Broadway. The event would still be downtown, there would be plenty of space and parking, a stage is already in place, and no businesses would have to close for the day. I'd like to see it held at an appropriate venue labeled Bonfire's Spring into Summer Get Outside Party in the Park/Pavilion/River Center/Fairgrounds/River Park, not on Broadway.

In conclusion, considering the possibility of the Town of Eagle taking over Highway 6 in the future, an effort should be made to include the first block of Broadway in community events such as parades, Christmas on Broadway, and what was once Potatopalooza. Perhaps we could model a solution for festivals in Eagle on other mountain towns who have experienced similar growing pains, but still hold annual events that are cherished by all Coloradans.

I thank you for your time and attention to this matter.

Sincerely,

Ryan Murray  
Red Canyon Cafe



**TO:** Town of Eagle, Board of Trustees

**FROM:** Vail Valley Trail Connection

**DATE:** May 19, 2016

**SUBJECT:** International Mountain Biking Association Ride Center Designation  
Application via Vail Valley Trail Connection

**BACKGROUND:** The International Mountain Biking Association, IMBA, provides a community a Ride Center designation of Bronze, Silver, or Gold status. The designation is achieved via IMBA's rigorous criteria and a thorough on-site review of a community's complete soft trail network and destination experience.

Communities that have received a Ride Center designation see a positive economic impact. The Ride Center designation can be used for the Town of Eagle's marketing materials and efforts as well as greater county wide marketing efforts.

The IMBA criteria includes a wide variety of soft trail types for mountain biking including family/beginner friendly trails, longer singletrack trails, downhill trails and back country adventures. The criteria include signage, trailhead amenities, and scenic views.

The off bike experience is also important as bike shops, lodging, restaurants, grocery stores and airport access are evaluated.

The IMBA Ride Center application for our community is being fulfilled by the Vail Valley Trail Connection, VVTC. IMBA Ride Center designations will be awarded in November of 2016. VVTC believes our community will receive a Ride Center Designation of Bronze or Silver in November. The longer term goal is to achieve Gold status.

IMBA requires the Ride Center designation to be updated every four years. Also as our community's soft trail network and overall experience is enhanced to achieve Gold status or if IMBA's criteria were to change a new Ride Center designation application will be processed. While IMBA does see an update to their current criteria at an undefined future date, VVTC has been advised by IMBA to apply now with the current criteria.

**RECOMMENDATION:** VVTC graciously asks for the Town of Eagle's support and endorsement of our community's Ride Center application by approval of the attached letter of support to IMBA dated May 19, 2016.



**VVTC**

**VAIL VALLEY TRAIL CONNECTION**

**2016**

**FOUNDING MEMBER UPDATE**

# WHY WE'RE HERE

- VVTC MISSION & PURPOSE
- REVIEW 2015 ACCOMPLISHMENTS
- PLAN FOR 2016
- YOUR ROLE WITH VVTC



## **Mission**

To become world-renowned for our soft trail network that enables people of all physical capabilities to enjoy the outdoors.

# FOUNDING MEMBERS

## COMMUNITIES:

EAGLE COUNTY

TOWN OF VAIL

TOWN OF AVON

EAGLEVAIL

TOWN OF EAGLE

TOWN OF GYPSUM

## PRIVATE SECTOR:

EAST WEST RESORTS

ROADHOUSE HOSPITALITY

ACCESS REAL ESTATE

SSF REAL ESTATE

SONNENALP HOTEL

ELEVATION RESORT MGMT

## NON-PROFITS:

HARDSCRABBLE TRAILS COALITION

VAIL VALLEY MOUNTAIN BIKE ASSOCIATION

VAIL VALLEY PARTNERSHIP

ROCKY MOUNTAIN SPORT RIDERS

# **THREE DELIVERABLES (Q4 2014-PRESENT):**

## **GRANT WRITING:**

- \$24,000 NATIONAL FOREST FOUNDATION GRANT FOR ENDO ALLEY, EDWARDS
- PARTNERSHIP WITH USFS AND VVMBA
- NFF BLOG AND REPORTING

## **EAGLE COUNTY TRAILS MASTERPLAN:**

- COMPILED ALL EXISTING DOCUMENTATION AND COMBINED INFORMATION (WEB)
- USED FOR PLANNING WITH PARTNER AGENCIES AND PUBLIC PROCESS

## **IMBA RIDE CENTER DESIGNATION:**

- 2016 APPLICATION
- CONSULTED WITH IMBA STAFF AND REPRESENTATIVES

# BOARD + ORGANIZATION FORMATION:

- 501(C)6 ORGANIZATION
- "IN-TANDEM" PARTICIPATION WITH PARTNER NON-PROFITS ORGANIZATIONS
- NAMED AND FORMED ORGANIZATION
- CREATED LOGO
- ASSEMBLED BOARD OF DIRECTORS
- CONTINUE TO HOLD OPEN ATTENDANCE MEETINGS AND BOARD OF DIRECTOR MEETINGS

# BOARD OF DIRECTORS:

- RICH CARROLL, PRESIDENT
- MATT THOMPSON, VICE-PRESIDENT
- YURI KOSTICK, SECRETARY
- PAMELA DAVIS, TREASURER
- BOARD MEMBERS:
- CHARLIE SHERWOOD
- MIKE BRUMBAUGH
- JOHN SHIPP
- MIKE BEACH
- JAMIE MALIN
- SCOTT PRINCE
- AMY CASSIDY
- JILL RYAN, COUNTY REPRESENTATIVE (NON-MEMBER)

# FUNDING AND FINANCIAL POSITION:

## 2014 FUNDING GOAL:

- \$96,000

## 2015 FUNDS:

- \$56,000

## 2015 FUNDING PARTNERS:

- TOWN OF VAIL
- TOWN OF AVON
- TOWN OF EAGLE
- TOWN OF GYPSUM
- EAGLE-VAIL
- EAGLE COUNTY
- HARDSCRABBLE TRAILS COALITION
- VAIL VALLEY MOUNTAIN BIKE ASSOCIATION
- VAIL VALLEY PARTNERSHIP
- EAST WEST PROPERTIES
- ROADHOUSE HOSPITALITY
- ACCESS REAL ESTATE
- SLIFER SMITH & FRAMPTON REAL ESTATE
- SONNENALP HOTEL
- ELEVATION RESORT MANAGEMENT



# PROJECT UPDATE (Q4 2014-PRESENT):

## MARKETING AND PR:

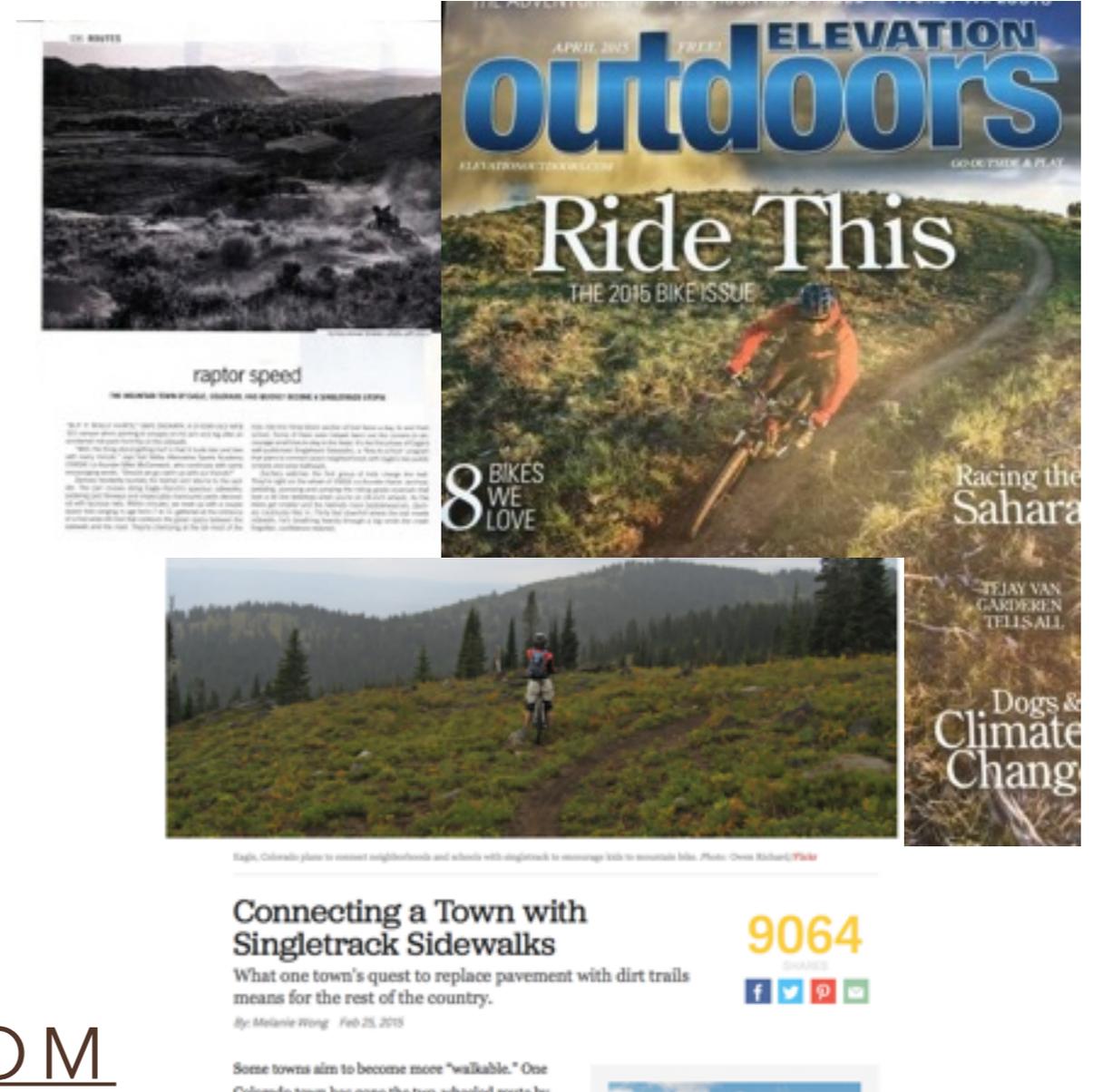
- LOGO AND PRESS RELEASES
- VVP RADIO SHOW, EMAIL BLAST
- FACES OF THE VAIL VALLEY - VISIT VAIL VALLEY OFFICIAL VISITOR'S GUIDE
- NATIONAL AND REGIONAL PUBLIC SPEAKING
  - OEDIT MEETINGS
  - CO BICYCLE SUMMIT
  - NATIONAL BICYCLE TOURISM CONFERENCE
  - SIA - THE ASSEMBLY
  - CO STATE SENATE
  - IMBA WORLD SUMMIT
  - INTERNATIONAL TRAIL BUILDERS SUMMIT

# PROJECT UPDATE (Q4 2014-PRESENT):

## MARKETING AND PR:

- LOCAL, REGIONAL & NATIONAL MEDIA STORIES

- BIKE MAGAZINE
- DIRT RAG
- VAIL DAILY ON THE HILL
- OUTSIDE ONLINE
- ELEVATION OUTDOORS
- 5280 MAGAZINE
- GRINDTV.COM
- BIKERADAR.COM
- 303CYCLING.COM
- VAILREALESTATE.COM
- OUTTHERECOLORADO.COM
- COLORADO SPRINGS GAZETTE



# PROJECT UPDATE (Q4 2014-PRESENT):

## COORDINATED SIGN PROJECT:

- EAGLE COUNTY, TOWN OF EAGLE, TOWN OF AVON, TOWN OF VAIL, EAGLE-VAIL
- STANDARDIZED INFORMATION
- INDIVIDUAL COMMUNITY IDENTITY AND BRANDING

## ADMINISTRATION:

- SET MEETINGS, AGENDAS
- BILLING, AR, ACCOUNTING



# PROJECT UPDATE (Q4 2014-PRESENT):

## COORDINATED PROJECT LIST:

- SPEARHEAD THE FORMATION OF PROJECT PRIORITIES
- COLLABORATE WITH PARTNER PUBLIC LAND AGENCIES  
- USFS, BLM, EVLT, ETC
- ADVOCATE AND SERVE AS THE "VOICE" FOR THE LOCAL SOFT TRAIL COMMUNITY
- MTB PROJECT
- ONGOING AND CONTINUING EFFORT





**VVTC**

**VAIL VALLEY TRAIL CONNECTION**

**[vailvalleytrailconnection.org](http://vailvalleytrailconnection.org)**

# 2016 WORK PLAN

- COMPLETE TRAILS MASTER PLAN
- 5-YEAR BUSINESS PLAN
- EVALUATE LONG-TERM FUNDING SOURCE
- IMBA RIDE CENTER APPLICATION
- MID-YEAR UPDATE

# YOUR INVOLVEMENT

- APPROVAL OF VVTC'S DIRECTION
  - QUALITY OF LIFE FOR RESIDENTS
  - BUSINESS & ECONOMIC DEVELOPMENT
- RESOURCES TO ASSIST WITH MASTER PLAN
- FACILITIES AND DATABASE FOR OPEN HOUSE
- LETTER OF SUPPORT FOR IMBA RIDE CENTER APPLICATION



**MINUTES**  
**Town Board of Trustees**  
**Tuesday, May 10, 2016**  
**6:00 P.M.**

**Public Meeting Room / Eagle Town Hall**  
**200 Broadway**  
**Eagle, CO**

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*This meeting is recorded and a CD will become part of the permanent record of the minutes. The following is a condensed version of the proceedings as written by Angela Haskins.*

<b><u>PRESENT</u></b>	<b><u>STAFF</u></b>
Anne McKibbin, Mayor	Jenny Rakow, Interim Town Manager/Town Clerk
Paul Witt	Ed Sands, Town Attorney
Mikel "Pappy" Kerst	Tom Boni, Town Planner
Matt Solomon	Matt Farrar, Assistant Town Planner
Kevin Brubeck	John Staight, Open Space Coordinator
<b><u>Absent</u></b>	
Andy Jessen	

**6:00 PM – REGULAR MEETING CALLED TO ORDER**

**PUBLIC COMMENT**

*Citizens are invited to comment on any item not on the Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person per topic, unless arrangements have been made for a presentation with the Town Clerk.*

Mayor McKibbin solicited public comment. Sephira student from Eagle Valley Middle School addressed the Board regarding a project she is working on regarding global warming and her concerns regarding idling vehicles in the Town of Eagle. Mayor McKibbin suggested that she meet with herself and Chief Stauffer to obtain more information regarding the Town's policy on this topic.

**PRESENTATIONS**

Starting Hearts – CPR and AEDs – Michael Holten Director of Marketing from Vail Valley Medical Center and Shaw Regional Cancer Center provided information regarding cardiac arrest and the value of the Starting Hearts Program in Eagle County. Lynn Blake from Starting Hearts provided information regarding the program, the eight units to be placed in the Town of Eagle, free education on AEDs and future mapping of locations via phone apps.



Charlie Wick: Town's Retirement Plan – Mayor McKibbin noted Mr. Wick has met with staff and chose to cancel his presentation to the Board at tonight's meeting.

John Poukish Pre-Annexation Discussion-Town Planner Tom Boni noted the Eagle Area Community Plan identifies this property as Rural Agricultural. There is an exception provision provided there are specific findings and that has been determined. Conditions of approval regarding the proposal were provided by the Town of Eagle Planning and Zoning Commission which were as follows:

Approval of the Exception to Plan shall be subject to the following conditions:

1. 10% of single family homes to be governed by Local Employee Residence Program LERP.
2. 40% of single family homes to be governed by a Modified LERP Covenant requiring initial sales price of \$400,000 – \$415,000 with flexibility for model upgrades as requested by buyer. The Terms of the Modified LERP Covenant shall be agreed upon by the Town and Applicant during review of the Preliminary Plan Subdivision Application.
3. Remaining 50% of single family homes deed restricted for resident occupancy (purchased and occupied by people employed Eagle County or retired from working in Eagle County) with provision to sell to a non-Eagle County employee/retiree or for the property to be used for non-resident occupancy in exchange for the payment of a 1% real estate transfer fee to be provided to the Town of Eagle for affordable housing. There shall be no initial offering price restriction. The 1% transfer fee applies each time the unit is sold to non-resident occupant as defined above.
4. The location and design of related improvements have been made to conform to the goals, policies and strategies of the Plan to the greatest degree possible.
5. This Exception to the EACP is contingent upon the property being annexed into the Town of Eagle.

Ed Sands Town Attorney noted this is not a quasi-judicial hearing, it is at the discretion of the Mayor and is an informal discussion on this issue.

John Poukish was present for this item and presented requested direction from the Board on his proposed annexation request before moving forward. Mr. Poukish stated his intent in proposing this location was that he was approached by members of the public to access providing attainable housing and believed this location to be of low impact to the Town with its proximity to amenities.

Costs of the project to the Town, engineering plans for the location, HOA considerations, creation of a Metro District and impacts and ability to provide water with current obligations the status of the lower basin water treatment plant.

Mayor McKibbin noted this was not scheduled as public hearing, however, many members of the Eby Creek HOA and Community were present in the audience and were allowed to address the Board with their concerns.



Carol Olleman, Eby Creek resident provided her view on benefits of affordable and attainable housing. Specific concerns were ensuring these stay centered on keeping these units available to residents who qualify and need this housing.

Kevin Frommer HOA President. Annual meeting was held and this parcel was discussed and members present were unanimously against this project.

Cliff Simonton, Eby Creek Resident expressed his concern about the topography and location of this request for the units described.

Teak Simonton, Eby Creek Resident was concerned about traffic, pedestrian and cycling safety.

Fred Butler, Eby Creek Resident was concerned about annexation of this property in general, specifically the SIA and Declaration of Covenants for the Eby Creek area as a whole, including this parcel, it is his belief all lots would have to agree to this annexation.

Tom Boni provided information regarding annexation process and eligibility of this request. Ed Sands requested a review of the Declarations to ensure there were no restrictions within that document from moving forward.

Mayor McKibbin called a two minute break. (7:27 p.m.)

**CONSENT AGENDA** *Consent agenda items are routine town business, items which have received clear direction previously from the board, final land use file documents after the public hearing has been closed, or which do not require board deliberation.*

Minutes – April 26, 2016 and May 4, 2016 – Minor revisions were requested of the minutes.

Bill Paying and Payroll – Trustee Brubeck requested additional information regarding bill paying.

**MOTION: Trustee Witt motioned to approve the Consent Agenda. The Motion was seconded. Motion PASSED unanimously.**

**DISCUSSION, DECISIONS OR DIRECTION REQUESTED**

**Ordinance 14-2016** An Ordinance Of The Town Of Eagle, Colorado, Increasing The Town’s Sale Tax By One-Half Of One Percent, Effective July 1, 2016, In Accordance With A Ballot Issue Approved By The Registered Electors Of The Town Of Eagle On April 5, 2016

**MOTION: Trustee Solomon motioned to Approve Ordinance 14-2016. Motion was seconded. Motion PASSED unanimously.**



Ordinance 13-2016 An Ordinance Of The Town Of Eagle, Colorado Approving The Third Amendment To The Development Improvements Agreement, Dated May 10, 2016, Between The Town Of Eagle And Eagle Health Care Center, Inc.; And Approving An Amendment To A Site Specific Development Plan Establishing A Vested Right Pursuant To Article 68 Of Title 24 C.R.S. And Section 4.17.030 Of The Eagle Municipal Code

Turn lane on Sylvan Lake Road threshold for vehicle traffic is part of this agreement and amendment will require posting of Letter of Credit for those turn lanes. Staff will monitor the traffic and indicate to the applicant regarding necessity of the construction of turn lanes. Trustee Brubeck requested for minor modification to the letter of credit to ensure there is enough time prior to expiration to review.

Terrill Knight and Eagle Medical Center representatives were present. This is a request for an extension for the turn lanes.

**MOTION: Trustee Brubeck motioned to Ordinance 13-2016 with modification to the letter of credit timing. Motion was seconded. Motion PASSED unanimously.**

Ordinance 15-2016 An Ordinance Of The Town Of Eagle, Colorado Amending Subsection (A)(4) Of Section 9.12.050 Concerning Harassment

Chief Staufer noted this is a cleanup of our Municipal Code that is ongoing. This provision provides the inclusion of social media as a form of harassment that was not previously addressed in our Code.

**MOTION: Trustee Kerst motioned to approve Ordinance 15-2016. Motion was seconded. Motion PASSED unanimously.**

Resolution 23-2016 A Resolution Of The Board Of Trustees Town Of Eagle, Colorado Authorizing The Mayor And Mayor Pro Tem To Execute All Documents Necessary For The Acquisition And Permanent Preservation Of The A & R Investment Property Located In Eagle County, Colorado

John Staight Open Space Coordinator stated this is to ensure closing on this property can occur on the date all documents are ready for signature. There have been some minor changes from previous agreements, but are not substantial.

Jamie Harrison suggested appointing a third eligible signatory in case Mayor Pro Tem is unavailable since the Mayor will be out of town. Trustee Seabury was suggested to fulfill that role.

Mayor McKibbin noted the Resolution should be approved with amendments changing phrasing to authorizing Mayor or Mayor Pro Tem and provision authorizing Doug Seabury as additional signatory for these documents.

**MOTION: Trustee Kerst motioned to approved Resolution 23-2016 as amended. Motion was seconded. Motion PASSED unanimously.**

- a. Access Easement Agreement (Eagle Valley Land Trust)
- b. Conservation Easement and Management Plan Changes

Discussion regarding open space considerations and minor modifications that were agreed upon by all parties.



1. DPW approvals - Throughout the CE document, actions that previously required Colorado Division of Parks and Wildlife approval have been changed to requiring "Funding Partners" approval. The Funding Partners include the Town, Eagle County, and Eagle Ranch Wildlife Committee. (The Division of Wildlife is legally entitled to one seat as part of the five member Eagle Ranch Wildlife Committee).
2. Improvements - Picnic tables and benches are allowed on the property per the CE, but now must be approved by Eagle County and the Eagle Ranch Wildlife Committee as part of the Management Plan approval.
3. Roads – No roads will be allowed on the property per the CE unless determined necessary and approved by the Eagle Ranch Wildlife Committee and EVLT.
4. Seasonal Closures - The requirements for the December 15 to April 15 winter wildlife closure was moved from the CE to the Management Plan.
5. Special Events - In the previous CE draft, special events were allowed as long as they were approved by the Town and EVLT. The current version allows for special events that are specifically approved in the Management Plan and are approved by the Town, EVLT, Eagle County, and the Eagle Ranch Wildlife Committee.
6. Commercial Activities – The previous CE version allowed for commercial uses as long as they were consistent with the CE's stated purpose. The current version allows for commercial uses, but they are to be treated as a special event and are subject to the special event approval provisions.

Mayor McKibbin called a break at 8:31 p.m.

**LAND USE**

1. Project: Land Use Code Updates

File #:	LURA16-01
Applicant:	Town of Eagle
Location:	N/A
Staff Contact:	Matt Farrar (Assistant Town Planner)
Request:	<p>1. Revise Section 4.03.040 to define dog daycare facility. <i>(Continued to the May 10, 2016 TBOT Meeting)</i></p> <p>2. Revise Section 4.04.070 to define regulations for dog daycare facilities. <i>(Continued to the May 10, 2016 TBOT Meeting)</i></p> <p><del>3. Revise Section 4.04.070 to modify regulations for indoor recreation facilities.</del></p> <p>4. Revise Section 4.04.070 to define regulations for marijuana testing facilities. <i>(Continued to the May 10, 2016 TBOT Meeting)</i></p> <p>5. Revise Section 4.04.100 to modify regulations regarding medical and retail marijuana cultivation facilities and infused-product manufacturing facilities and to expand the area in the Town of Eagle where these uses are permitted. <i>(Continued to the May 10, 2016 TBOT Meeting)</i></p>

Matt Farrar stated staff is requesting that items 1 & 2 (Dog Daycare) and items 4 & 5 (MJ regulations) be continued to June 28, 2016. These Code amendments are still being reviewed by the Planning Commission.



**MOTION: Trustee Solomon motioned to Continue Items 1, 2, 4 and 5 to the June 28, 2016 Town Board Meeting. Motioned was seconded. Motion PASSED unanimously.**

2. Project: Trotter Minor Subdivision

File #:	MS16-01
Applicant:	Rob Trotter
Location:	1125 Chambers Avenue
Staff Contact:	Tom Boni (Town Planner)
Request:	Subdivide Lot C-12, Eagle Valley Commercial Park subdivision (1125 Chambers Avenue) into two (2) lots.

Mayor McKibbin opened Land Use File MS16-01 Trotter Minor Subdivision. Matt Farrar presented this item.

Both the Planning Commission and Staff recommend approval of MS16-01 based on a finding of compliance with the minor subdivision standards, subject to the following conditions:

1. Technical revisions to the Final Plat by the Town Attorney and town’s engineering department.
2. Design and approval of water and sewer service lines to Lot C-12B by the town’s engineering department.

Mayor McKibbin opened this item for public comment. There was no public comment.

**MOTION: Trustee Witt motioned to approve Land Use File MS16-01 with the conditions set forth and recommended by the Planning Commission and staff. Motion was seconded. Motion PASSED unanimously.**

**STAFF UPDATES AND REQUESTS**

Board Retreat Dates - Dates chosen were June 20<sup>th</sup> and 21<sup>st</sup>. Draft agenda will be prepared.

HR Update (*Jenny Rakow*)

Eagle River Corridor Project (*Committee Update*)

Matt Farrar reviewed the update prepared for packets.

Board Calendar (*Request to submit vacation and availability schedules to Clerk to keep on main calendar*)

Information Center Update (*Barbara Meese Memo information only.*)

Marketing & Events Director Transition

Town Clerk and Mayor negotiated a three month transition contract has been negotiated with Amy Cassidy to continue event management and marketing for Eagle’s 2016 event schedule. This allows the Town to pursue her replacement, allow



for proper training and reduce disruption in our service level for events. No budget implications at this juncture. If there are, they will be addressed upon hiring of replacement.

**BOARD DISCUSSION AND FUTURE AGENDA ITEMS**

Mayor McKibbin stated Chris Moffet will be available at the May 24th meeting regarding appointment of officers.

Trustee Solomon requested to receive Planning and Zoning Commission discussion or bullet list prior to Board hearing to review items discussed at their meetings to eliminate repetition and redundancies. Trustee Seabury agreed and felt this had been a discussion in the past after both boards had met. A request to revisit these priorities was requested and should be made part of the Board Retreat. Tom Boni stated procedures related to this were also considerations to be made in the revisions to the Land Use Code.

Trustee Brubeck said he was interested in assisting with the Bike to Work Day on June 22<sup>nd</sup>.

Mayor McKibbin inquired about alternate attendee for the Climate Action Group meeting she will miss. It was determined Deron Dirksen can attend alone and Matt Farrar if he has time.

**EXECUTIVE SESSION: MOTION: Trustee Witt made a motion to enter into Executive Session pursuant to CRS 24-6-402 (4)(b) to receive advice from the Town Attorney on negotiations regarding Black Hills Energy. Attorney Ed Sands stated for the record that the discussion would be attorney client privilege and is not subject to recording. (9:29 p.m.)**

**MOTION: Mayor McKibbin motioned to adjourn from Executive Session and resume the Regular Meeting. Motion was seconded. Motion PASSED unanimously.**

**ADJOURN (10:25 pm)**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kevin Brubeck, Mayor Pro Tem

\_\_\_\_\_  
Jenny Rakow, CMC Town Clerk



## OATH

I, John Schneiger, so solemnly swear that I will support the Constitution and laws of the United States, the Constitution and laws of the State of Colorado, and the Ordinances and Codes of the Town of Eagle, and that I will faithfully perform all duties of the office of Town Manager, upon which I am about to enter.

Sworn to this 24<sup>th</sup> day of May, 2016.

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John Schneiger

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Notary



## OATH

I, Jenny Rakow, so solemnly swear that I will support the Constitution and laws of the United States, the Constitution and laws of the State of Colorado, and the Ordinances and Codes of the Town of Eagle, and that I will faithfully perform all duties of the office of Town Clerk and Town Treasurer, upon which I am about to enter.

Sworn to this 24<sup>th</sup> day of May, 2016.

---

Jenny Rakow

---

Notary



## OATH

I, Buck Allen, so solemnly swear that I will support the Constitution and laws of the United States, the Constitution and laws of the State of Colorado, and the Ordinances and Codes of the Town of Eagle, and that I will faithfully perform all duties of the office of Municipal Court Judge, upon which I am about to enter.

Sworn to this 24<sup>th</sup> day of May, 2016.

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Buck Allen

---

Notary



## OATH

I, Ed Sands, so solemnly swear that I will support the Constitution and laws of the United States, the Constitution and laws of the State of Colorado, and the Ordinances and Codes of the Town of Eagle, and that I will faithfully perform all duties of the office of Town Attorney, upon which I am about to enter.

Sworn to this 24<sup>th</sup> day of May, 2016.

---

Ed Sands

---

Notary



# Sands Law Office, LLC

*Attorney at Law*

Edward P. Sands

450 West Avenue  
Suite 204  
Rifle, Colorado 81650

Telephone: 970-625-1075

Facsimile: 970-625-3989

Email: [ed@sandslawoffice.com](mailto:ed@sandslawoffice.com)

## MEMORANDUM

TO: Mayor Pro-tem Kevin Brubeck and Members of the Town of Eagle Board of Trustees  
FROM: Edward P. Sands, Eagle Town Attorney  
DATE: May 21, 2016  
SUBJECT: PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN AND A&R INVESTMENT LIMITED LIABILITY COMPANY

Black Hills Corporation, aka Rocky Mountain Natural Gas, requested several months ago that A & R convey and additional fifteen foot (15') temporary construction easement as well as an access easement for its gas transmission pipeline upgrade project. With the assistance of the Town, A & R tendered to Black Hills Corporation a proposed temporary construction easement and access easement deed. A & R requested that it be paid the sum of twenty-four thousand dollars (\$24,000.00) as consideration for the temporary easements. Once Black Hills Corporation received the document it indicated that it was forwarding the document to its legal department for review. Unfortunately, A & R's representative has had no further contact with the Black Hills Corporation legal department or anyone else. A & R was requesting the sum of twenty-four thousand dollars (\$24,000.00) as consideration for the temporary construction easement and access easement.

The parties are set to close on the Town's purchase of the A & R Property very soon. It appears likely that Black Hills Corporation will not receive its requested easements before that date. Once the Town acquires the A & R property it will be up to the Town to grant any further easements on the A & R property. Town staff is certainly willing to grant the temporary construction easement and access easement so long as the Town's construction standards and revegetation standards are met. In addition, the Town is requesting that the existing easement held by Black Hills Corporation on the A & R Property which was acquired by condemnation be amended to include provisions that any disruption within the original easement will have to be reclaimed according to Town standards. Town staff believes it is fair and equitable for the Town to also request twenty-four thousand dollars (\$24,000.00) as compensation for the easements. If the Town does receive consideration for the easements, Town staff is recommending that any funds received from Black Hills Corporation, up to a maximum of twenty-four thousand dollars (\$24,000.00), be paid to A & R since A & R had been counting on these funds when it entered into the purchase and sale agreement with the Town. Thus, the attached Memorandum of Understanding has been prepared for the Town Board's review and consideration.

**RESOLUTION NO. 24**  
**(Series of 2016)**

A RESOLUTION OF THE BOARD OF TRUSTEES TOWN OF EAGLE, COLORADO APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN A & R INVESTMENT LIMITED LIABILITY COMPANY AND THE TOWN OF EAGLE CONCERNING CERTAIN EASEMENTS REQUESTED BY BLACK HILLS CORPORATION.

WHEREAS, A & R Investment Company, a Colorado limited liability company, has been unable to reach agreement with Black Hills Corporation regarding a temporary construction easement and access easement on the certain property which will be acquired by the Town of Eagle and as requested by Black Hills Corporation; and

WHEREAS, the Board of Trustees of the Town of Eagle, Colorado expects that title to the subject property will be transferred from A & R Investment Limited Liability Company to the Town of Eagle on or about May 25, 2016; and

WHEREAS, the Board of Trustees of the Town of Eagle, Colorado desires to enter into a Memorandum of Understanding with A & R Investment Limited Liability Company regarding the consideration the Town may receive in the future for the conveyance of a temporary construction easement and access easement to Black Hills Corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. The Memorandum of Understanding between A & R Investment Limited Liability Company and the Town of Eagle, Colorado concerning certain easements, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby approved.

Section 2. The Mayor Pro-tem of the Town of Eagle is hereby authorized and directed to execute said Memorandum of Understanding on behalf of the Town of Eagle.

INTRODUCED, READ, PASSED AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado held on May 24, 2016.

TOWN OF EAGLE, COLORADO

ATTEST:

\_\_\_\_\_  
Jenny Rakow, Town Clerk

\_\_\_\_\_  
Kevin Brubeck, Mayor Pro-tem

**MEMORANDUM OF UNDERSTANDING BETWEEN A & R INVESTMENT  
LIMITED LIABILITY COMPANY AND THE TOWN OF EAGLE,  
COLORADO CONCERNING CERTAIN EASEMENTS**

WHEREAS, the Town of Eagle, Colorado entered into a contract for the purchase and sale of property with A & R Investment Limited Liability Company, a Colorado limited liability company (“A & R”), on or about March 21, 2016 (the “Contract”) and closing of the sale and purchase is imminent; and

WHEREAS, Black Hills Corporation, aka Rocky Mountain Natural Gas aka SourceGas (“Black Hills”) previously requested that A & R grant a temporary construction easement and temporary access easement in order to construct an upgraded natural gas transmission pipeline and A & R has requested that Black Hills Corporation pay A & R the sum of twenty-four thousand dollars (\$24,000.00) as consideration for said temporary construction easement and access easement; and

WHEREAS, Black Hills Corporation has not yet agreed to pay the sum of twenty-four thousand dollars (\$24,000.00) for its requested temporary construction easement and access easement; and

WHEREAS, it now appears that the Town of Eagle will be required to complete negotiations regarding such easements following the Town’s purchase of the subject property on May 25, 2016.

NOW, THEREFORE, THE PARTIES AGREE AND UNDERSTAND AS FOLLOWS:

1. The Town agrees to use its best efforts to obtain twenty-four thousand dollars (\$24,000.00) from Black Hills Corporation as consideration for conveyance of the proposed temporary construction easement and access easement to Black Hills Corporation.
2. The Town agrees to pay to A & R any consideration received from Black Hills Corporation for the conveyance of such easements up to the sum of twenty-four thousand dollar (\$24,000.00). Said payment shall be made within thirty (30) days following the receipt of such funds from Black Hills Corporation.
3. This Memorandum of Understanding between the Parties shall remain valid for a period of twenty four (24) months from the date of execution of this Memorandum by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

TOWN OF EAGLE, COLORADO, acting by  
and through its Board of Trustees

ATTEST:

\_\_\_\_\_  
Jenny Rakow, Town Clerk

By: \_\_\_\_\_  
Kevin Brubeck, Mayor Pro-tem

A & R INVESTMENT LIMITED LIABILITY COMPANY,  
a Colorado limited liability company

By: \_\_\_\_\_  
Alan S. Eber, Manager



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## CERTIFICATE OF RECOMMENDATION

**TO:** Board of Trustees

**FROM:** Department of Community Development

**DATE:** May 24, 2016

**FILE NUMBER:** TU16-01

**PROJECT NAME:** Eagle Tubing & Photography

**LOCATION:** 100 Fairgrounds Road / Chambers Park

**APPLICANT:** Ken Hoeve

**EXHIBIT(S):**

- A. Application
- B. Staff recommended location for temporary vendor
- C. Site photos
- D. Summary of Planning Commission Hearing

**PUBLIC COMMENT RECEIVED:**

- 1. Letter from Matt Solomon (May 10)
- 2. Letter from Jennifer Kennedy (May 15)
- 3. Letter from Joe Gonzalez (May 15)
- 4. Letter from Ken Shapiro (May 17)
- 5. Letter from Brian Maloney (May 17)
- 5. Letter from Tara Picklo (May 15)
- 6. Letter from Leta Popa (May 17)
- 7. Letter from Jake Roach (May 16)
- 8. Email from Celena & Tom Olden (May 18)

**APPLICABLE SECTION(S) OF MUNICIPAL CODE:** Section 4.04.100.B (Temporary Use)

**STAFF CONTACT:** Matt Farrar, Assistant Town Planner

**REQUEST:** Temporary use permit for a mobile vendor at Chambers Park.



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## DISCUSSION:

The proposed location for Eagle Tubing & Photography temporary operation is on town owned property at 100 Fairgrounds Road (i.e., Chambers Park). The town property is zoned Public Area (PA). The Town's Land Use & Development Code does not define temporary vending as a use in the non-residential zone districts. Upon review of the Town's Land Use and Development Code, staff has advised the applicant to pursue a temporary use permit for the temporary operation that they are proposing. Pursuant to section 4.04.100.B of the Land Use and Development Code, "Any use, including construction office or yard, construction housing and camper trailers, carnival, fair, tent meeting, **or any use listed in this Chapter, may be allowed on a temporary basis (less than 12 months), upon issuance of a temporary use permit.**" Given the code language for temporary use permits, staff believes that the proposed operation could be permitted at Chambers Park if a temporary use permit were to be approved by the Board of Trustees.

Per the applicant's cover letter, they would like to locate a trailer at Chambers Park from which they would:

1. Rent inflatable tubes and related equipment; bicycles and related equipment; and, disc golf equipment.
2. Offer commercial photography.
3. Sell soft serve ice cream and frozen yogurt.

The applicant is requesting that the temporary use permit be issued for a four (4) month period. The applicant's intent is to be located at Chambers Park from mid-June through the end of September. The applicant has indicated that if their first year of operation is successful, they anticipate coming back for additional temporary use permits in the coming years.

During the preparation of the Town of Eagle – River Corridor Plan, and in discussions on concepts for the "Recreation Core," temporary vendors were very much envisioned as part of the "beach front" environment that the community expressed a desire for in the development of the "Recreation Core." It is staff's belief that temporary vendors in the "Recreation Core" will help contribute to the goal of creating a "Wow" factor visible from the interstate by adding an additional element of activity to Eagle's beachfront/riverfront. In addition, staff believes that the attraction of temporary vendors in the "Recreation Core" will draw more visitors off of the interstate; may help to lengthen the stay of those visitors who were making a quick stop at the rest area; and, may result in repeat visitations because of the unique character/nature of this part of Eagle. Staff also believes that additional visitations to Eagle's beachfront/riverfront may have a spillover effect on other local businesses as a result of the volume of people visiting the town and length of stay of visitors increasing.



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## TEMPORARY USE PERMIT STANDARDS (SECTION 4.04.100.B)

The Board of Trustees may grant a temporary use permit based upon the finding of the following:

1. Such use is compatible with the neighborhood proposed.
2. The site of the temporary use will be returned to its original condition or improved after completion of the temporary use, and adequate provision has been made therefore, subject to the approval of the Town Attorney. Such provision may include a bond or other security.
3. Such use complies with the Town's regulations and is in conformance with the goals and policies of the Town.

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## STAFF FINDINGS FOR TEMPORARY USE PERMIT STANDARDS

1. The existing land uses in proximity of the proposed location for the mobile vendor include:
  - a. Eagle Crossing Shopping Center
  - b. Eagle Diner
  - c. American National Bank
  - d. Eagle Townhouse Subdivision
  - e. Chambers Avenue Park n' Ride
  - f. Conoco Gas Station
  - g. Chambers Park/Town of Eagle Visitor Center/Eagle County Historical Society Museum/Boat Ramp
  - h. Tractor Trailer Parking Lot
  - i. Eagle County Rodeo Arena and Fairgrounds
  - j. Interstate 70

Based on the mixed-use nature of the adjacent land uses and the proposed location's proximity to the town's interchange area (which is primarily commercial in nature), it is staff's opinion that the proposed temporary vendor is compatible with the surrounding neighborhood.

2. Staff is recommending that the trailer be located in the area shown in *Exhibit B*. The site being recommended by staff is a vegetated portion of Chambers Park and therefore staff is recommending that the applicant provide the town with a security (subject to approval by the Town Attorney) to ensure that the area where the trailer is to be located can be restored to its original condition upon expiration of the temporary use permit.

If these terms are agreeable to the applicant, staff believes that adequate provisions have been made to ensure that the site for the temporary operation will be restored to its original condition.



3. There are two town documents that are most relevant to this temporary use permit application. Those are the 2010 Eagle Area Community Plan (EACP) and the Town of Eagle – River Corridor Plan.

Chapter 11 of the EACP discusses goals, policies and recommended strategies for economic development in Eagle. Staff believes that the policies and recommended strategies most relevant to this application include:

- Promote businesses and activities that benefit from Eagle’s proximity to the I-70 corridor (Policy 1.1, Recommended Strategy E).
- Attract viable businesses and trades specifically for Eagle and/or potential local niche markets (Policy 1.1, Recommended Strategy I).
- Expand retail diversity to reduce sales tax leakage (Policy 1.2).
- Support opportunities to expand the number and diversity of businesses in Eagle (Policy 1.2, Recommended Strategy A).
- Work to create more local jobs and additional outlets for goods and services (Policy 1.2, Recommended Strategy C).

The Town of Eagle – River Corridor Plan identifies a “Recreation Core” that is comprised of Chambers Park and the proposed Eagle River Park. The River Corridor Plan sets forth multiple objectives for the “Recreation Core” that include:

- Establishes a Recreation Core immediately adjacent to the Development Core to increase tourism.
- Creates a unique “beach front” environment in the heart of the Rocky Mountains that is highly visible from I-70.
- Creates a “Wow” factor visible from the Interstate.
- Integrates open space and commercial areas to attract residents and visitors.

Staff believes that additional amenities in Chambers Park may help to attract additional visitors to Eagle and potentially get those visitors to extend their stay in the town.

In recent years, the town has placed a strong emphasis on becoming an outdoor recreation destination. While this is not a written policy of the town, the capital investments made by the town into trails, bike pump track and soon the Eagle River Park are indicative of the town’s pursuits of this objective. Staff believes that the Eagle Tubing & Photography temporary operation is an effort by a local entrepreneur to capitalize on the town’s emphasis



on outdoor recreation by utilizing existing natural resources (i.e., the Eagle River and Sylvan Lake), as well as the newly constructed and recently improved boat ramp at Chambers Park.

In staff's opinion, the Eagle Tubing & Photography operation achieves many of the economic development objectives identified in the EACP, objectives identified for the "Recreation Core" described in the Town of Eagle – River Corridor Plan and builds upon the town's pursuits of becoming an outdoor recreation destination. Staff believes that the proposed temporary use is in conformance with the regulations, goals and policies of the town.

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### **PLANNING COMMISSION RECOMMENDATION**

The Planning and Zoning Commission voted 4-3 in favor of recommending denial of the temporary use permit application. Please see *Exhibit D* for staff's memo on the Planning Commission's discussion.

Commissioner Harrison made a motion to recommend denial of this application on the grounds that there is a significant policy decision required for using public land for private gain and that making this policy decision in context of a land use application (review by the Planning and Zoning Commission for a Temporary Use Permit) is not appropriate.

In favor of the recommendation of denial: Commissioner Harrison, Commissioner Spinelli, Commissioner Cowles, Commissioner Perkins.

Opposed to the recommendation of denial: Commissioner Callicrate, Commissioner Gregg, and Commissioner Richards.

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### **STAFF RECOMMENDATION**

Staff recommends approval of a four (4) month temporary use permit for Eagle Tubing & Photography based on a finding of compliance with the temporary use permit standards, subject to the following conditions:

1. Applicant shall locate the trailer outside of the I-70 right-of-way and in a location that does not take up parking spaces for the Visitor Center/Chambers Park.
2. Prior to commencement of operations, the applicant shall obtain a lease from the Town of Eagle in order to locate their operation on town property. Conditions of the lease shall be subject to approval by the Board of Trustees.
3. Applicant shall provide the town with a security, subject to the Town Attorney, to ensure that the area where the trailer is located will be restored to its original condition. Amount of security will be determined by town staff based on potential impacts of the temporary operation.



4. Prior to commencement of operations, applicant shall provide the town with proof of liability insurance that provides coverage for the Town of Eagle.
5. Signage for the temporary operation shall be limited to one (1) sandwich board sign that shall be in conformance with the town's signage regulation.

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## **BOARD OF TRUSTEES**

1. Questions of Staff and/or Applicant
2. Public Comment
3. Deliberations

5/1/2016

Town of Eagle  
Town of Eagle Board of Trustees  
Eagle, Colorado

Re: Temporary Use Permit / Visitors Center

Dear Board of Trustees,

I am writing you to begin the application process for a Temporary Use Permit for a small area located at the Eagle Visitors Center, 100 Fairgrounds Rd. You will find a detailed site location photo as well as a rough draft drawing of the desired style of temporary structure/trailer attached.

The purpose of the permit and business would be to begin retail operations for rentals of inflatable tubes, bicycles and disc golf as well as provide a commercial photography opportunity. The business, Eagle Tubing and Photography (E.T.P), will be a centrally located yet mobile structure that will allow visitors the opportunity to rent tubes, wetsuits, PFDs and helmets to float the river park portion of the Eagle River. E.T.P would also provide affordable cruiser style bicycle rentals to encourage visitors to leave their cars and explore downtown Eagle and the surrounding areas by bike. Inclusive to the rental program would be disc golf packages for visitors for use on the current disc golf course located nearby. Additionally E.T.P would provide photography services to visitors that utilizes the surrounding beauty of the park to capture portraits of visitors and their families. The photography would also expand into the tubing rentals by gathering and selling images to guests floating the river by tube, kayak and raft. It is also being considered to offer retail sales of soft serve ice cream and frozen yogurt if the permit will encompass it.

The request to the Town of Eagle by Eagle Tubing and Photography is to be issued a Temporary Use Permit for the length of one year with the site being occupied temporarily for an estimated five (5) months. The trailer, which can be constructed to the town's desired aesthetics, will be a mobile unit that can be removed daily. The daily hours of operation requested would be from 12:00pm until 8:00pm daily. While the current state of the Eagle River is not completely desirable for tubing in 2016, it is requested that the permit be taken into consideration to extend into 2017 and beyond once the park has been constructed. The new Eagle River Park will be far more suited for tubing operations however it is E.T.P's desire to be the leader in riverfront commerce.

I believe Eagle Tubing and Photography has several elements that make a business of this kind a great contribution to the Town of Eagle and surrounding businesses. It's a unique and original concept that will engage visitors to the park and afford them an opportunity to not only explore the river corridor but more importantly encourage them to explore the surrounding businesses and downtown. It will also serve as a venue for visitors to capture their visit to Eagle with a beautiful commemorative photograph that can not only be hung in their home but also be shared on social media outlets, expanding Eagle's reach and marketing efforts. The business is completely compatible with the Town's vision and desire to transform this portion of it's property into a viable commercial resource. Additionally the proprietor of the business, Kenneth TenHoeve, is a longtime business owner and athlete with a focus on outdoor recreation and an emphasis on river recreation.

Thank you for your consideration of this business endeavor. I believe that the future of Eagle is brighter than ever and that this project is in line with the goals of the Town of Eagle to draw visitors and locals to the Eagle River Park. It will also serve as an educational piece in 2016 to inform visitors to what is being constructed and to invite them back once the park is complete. By being in business for the summer of 2016 it will also allow Eagle Tubing and Photography the opportunity to get feedback from the public as the park is under development as well as direct visitors to other businesses in town.

Sincerely,

Ken TenHoeve

5/19/2016

Town of Eagle  
Town of Eagle Board of Trustees  
Eagle, Colorado

Re: Temporary Use Permit / Visitors Center

Dear Board of Trustees,

I am writing you in regards to the current application for a Temporary Use Permit at the Eagle Visitors Center, 100 Fairgrounds Rd. There were some comments and requests that were stated by Planning and Zoning Commission, as well as citizens that I would like to address. I will list out the items and respond to each.

Competitive advantage: To my knowledge there is no other business of its kind in Eagle County. While there is a location in Edwards and Glenwood Springs I don't know of any other retail operation that offers what I have proposed. I am not competing against any other business in the area and therefore have no advantage over anyone.

Trailer vs. Brick and Mortar: While I would like to be in a permanent location there is no facility or properties that are suited for this type of endeavor. And while the adjacent Eagle River Business Center is nearby all of it's units face in the wrong direction. A business of this kind needs to be located as close to the river as possible. In addition, this business will only be active for a maximum of four months a year (for tubing). Signing a year lease or purchasing property at this time would make the entire endeavor unrealistic. But it has also been mentioned that if I had a brick and mortar location it would be more realistic for me to have this temporary use permit: I accept that condition. If that is a requirement I will sign a lease at 215 Broadway and have the temporary trailer be my satellite office. I am more than willing to invest in a permanent structure if it pleases the other business owners in Eagle.

Signage: I am not requesting to be afforded the usual 30 square feet of sign. My guests would know me by location or by the trailer itself. I would only use the size that the trustees felt was appropriate for a trailer of its size. My recommendation would be a sandwich board style sign that is only displayed during the requested hours of 12pm-8pm.

Commercial property tax: It was implied I would not pay this. I am happily willing to pay tax on rentals and any sales done at Eagle Tubing and Photography. While this may need to be designed by the Town I would willingly provide sales receipts and tax revenue to the Town of Eagle.

Jobs: It was implied I am an "outsider" because I live in Gypsum. I have lived in Eagle County for 24 years. My employment history is sound and respectful and encompasses not only guest services but also spokesperson, retail, transportation, outdoor recreation and hospitality.

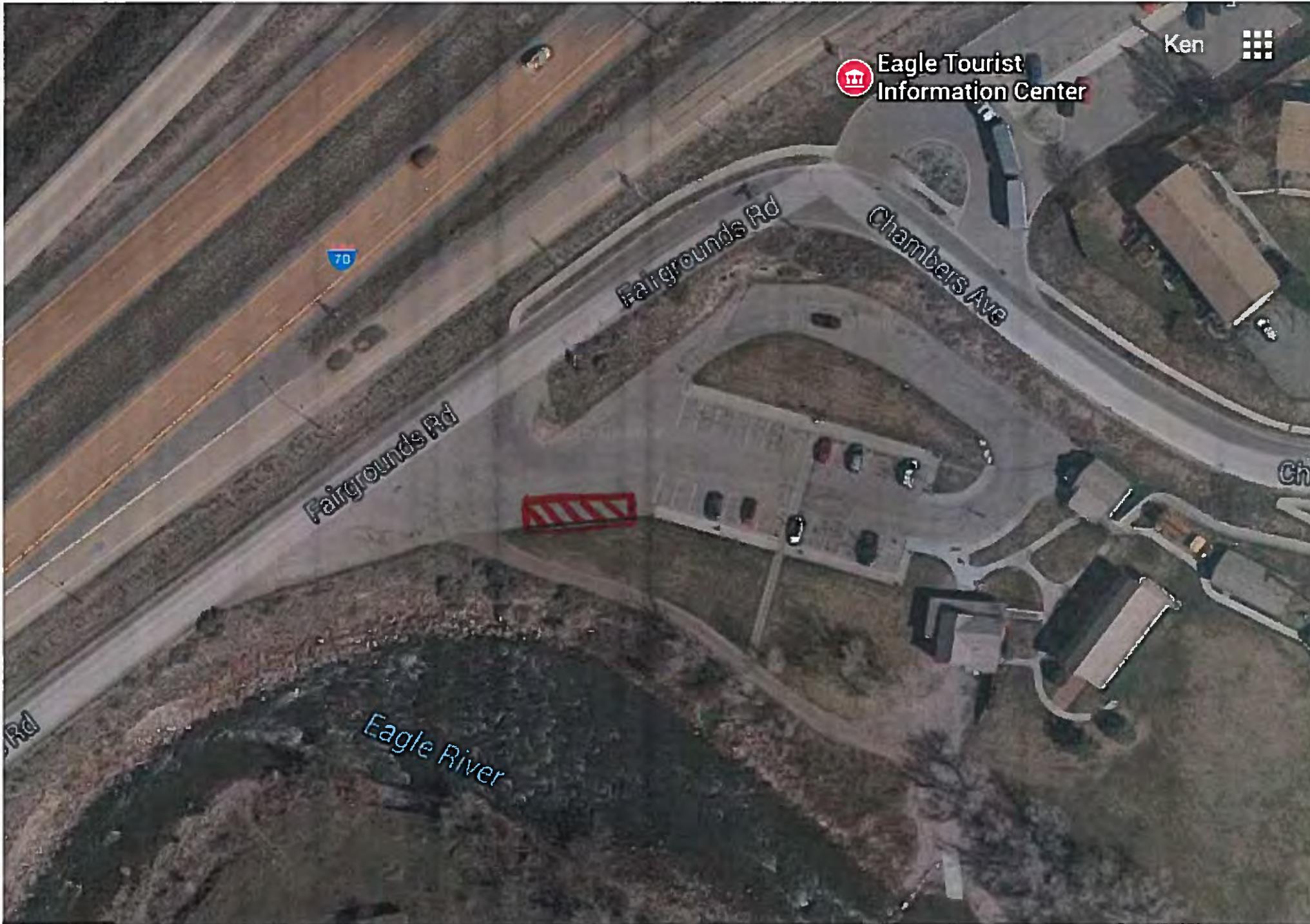
Parking: There is ample parking at the visitor's center between the three parking lots. Please remember that while there is a focus on the one lot there is another park and ride lot above and the truck parking next door. The truck parking lot holds an estimated 30 tractor trailers and is more than enough space for guests. Also consider that my operation would bring in some guests but the majority would be travelers already planning on making the stop at the rest area.

Restrooms: Cleaning and Maintenance: I am willing to contribute to both of these issues. Conditions can be made on the permit that include daily cleaning duties to the restrooms.

Location of the trailer: I am flexible on the location. While it is best suited to be within view of I-70 to draw visitors I recognize that it also needs to be located in an area that works well with the Visitors Center.

Thank you for your consideration to the proposal as well as the time you have invested into the decision. I am more than confident that any conditions the trustees feel are necessary are ones that I can accommodate. I understand that this type of business is relatively new for the town but also know it fits into the new direction of Eagle and the River Park. That same park is used for other private business on public land including rafts that use it as a take out. Additionally, other town properties host events that accommodate private business (example: Show Downtown). My idea and plan follows existing guidelines and business practices and will be a major economic and recreational contribution to the community. I look forward to seeing you all on Tuesday and answering any questions you may have.

Sincerely,  
Ken Hoeve



Eagle Tourist Information Center

Ken



70

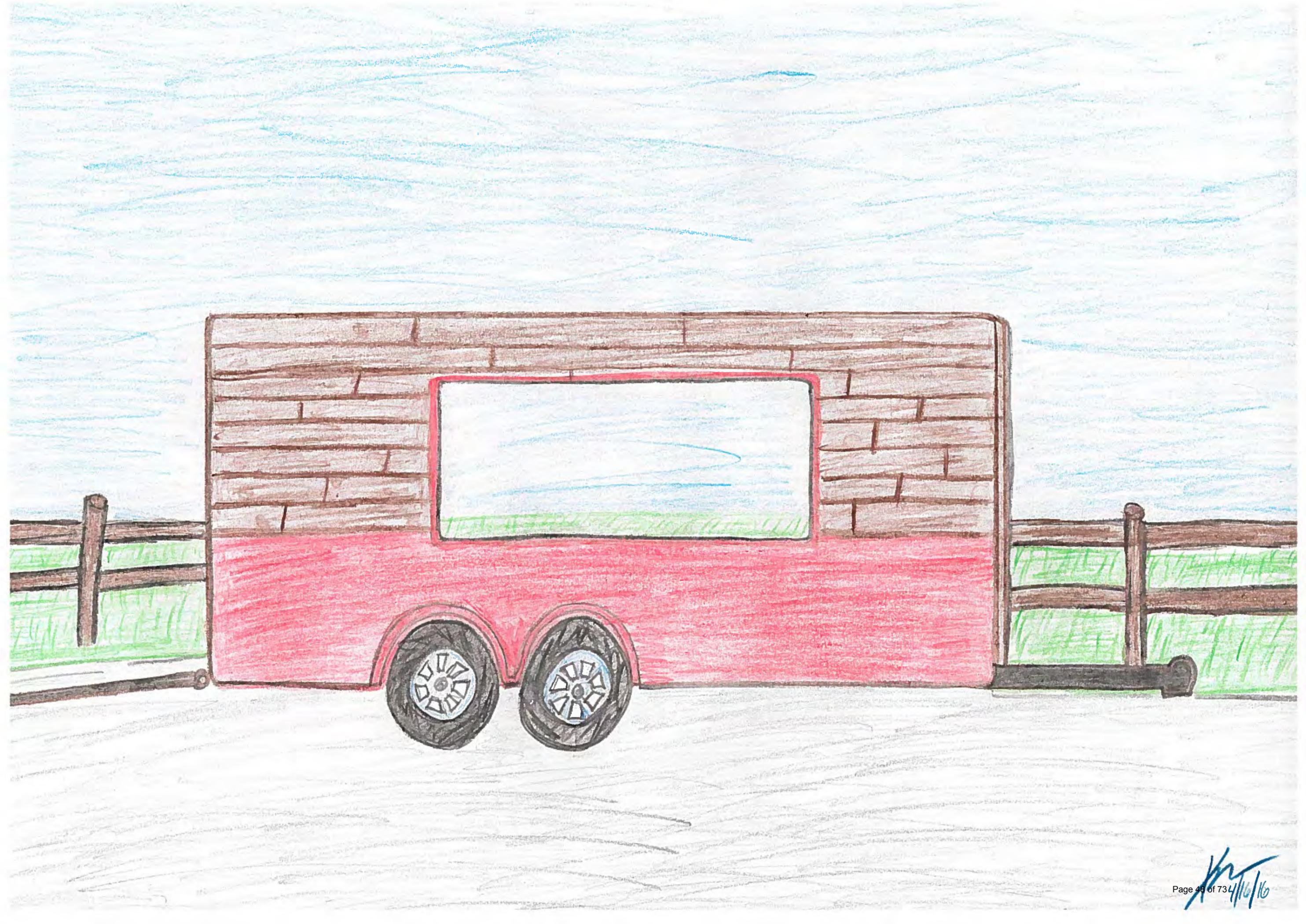
Fairgrounds Rd

Chambers Ave

Fairgrounds Rd

Eagle River







FOUND ON  
CRAIGSLIST!

## HOT WHEELS

BEST  
IN  
TOW

It's a well-known fact that Washington Coast shores are frigid, even in summer. Need a rain jacket? Probably. A wetsuit? Definitely. A mobile steam room? Yes, please! "We wanted to build a sauna in our backyard but didn't want to make it a permanent feature," says Sara Gainey of Seattle's Form Shop Fabrication, which she co-owns with her fiancé, Carl Ostergaard, and their friend John Dietrich. Starting with a retired horse trailer, the three gutted, insulated, sealed, and rebuilt the interior with cedar paneling, benches, and a Finnish stove. The saunas are made to order; this one also converts into a bed, so Gainey and Ostergaard can camp in it—or turn it into backyard guest quarters. *Prices*

BEST  
OF THE  
WEST

WHAT WE'RE TRACKING THIS MONTH



Town of Eagle  
200 Broadway  
PO Box 609  
Eagle, CO 81631

May 12, 2016

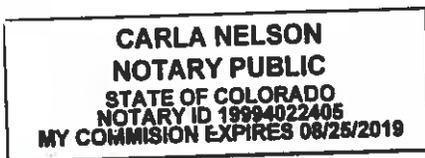
Ken Hoeve  
918 Mayne Street  
Gypsum, CO 81637

Ken-

The Town of Eagle grants you permission to pursue a temporary use permit for a temporary vending operation at Chambers Park (100 Fairgrounds Road). You will be required to obtain a lease from the Town of Eagle prior to commencement of any operations on town property.

Sincerely,

Jenny Rakow  
Interim Town Manager



*Carla Nelson*  
*exp. 8-25-2019*

EXHIBIT  
B



Use of this map should be for general purposes only.  
The Town of Eagle does not warrant the accuracy of  
the data contained herein.

1 inch = 50 feet

0 12.5 25 Feet



EXHIBIT  
C



tabbles®  
**EXHIBIT**  
**C**







## Memorandum

To: Board of Trustees  
From: Tom Boni  
Re: Eagle Tubing & Photography  
Date: May 19, 2016

At the Planning and Zoning Commission Hearing there was a robust discussion of this application by the public and during deliberations by the Planning and Zoning Commission. Eight people had submitted written comment that were presented to the Commission. These include comments by:

1. Jennifer Kennedy (Dewey Dabbles)
2. Joe Gonzalez (Back Bowl)
3. Ken Shapiro (Majority Owner- Eagle Crossing Shopping Center)
4. Brian Maloney ( Owners Association Manager)
5. Tara Picklo (Yeti's Grind)
6. Leta Popa (Eagle Diner)
7. Jake Roach (Quitkat)

We have also attached these written comments to the Trustee's Staff Report as well as additional written comments received since the Commission's Hearing.

Kathy Heicher of Eagle County Historical Society also attended the meeting. She was not notified of the Hearing and therefore did not have time to prepare written comment. Kathy raised concerns regarding adequate parking, bathroom facilities, and hours of operation, vandalism, safety and trash.

Public Testimony against the application was provided by Brian Maloney, Tom Clinton, Celena Olden, and Tom Olden. Major comments included opposition to using public open space for private gain, lack of public policy and procedure in how to go about leasing public land, unfair competition with brick and mortar businesses, free use of public parking, precedent setting nature of application, and that tubing and stand up paddle boarding at this location is pre-mature.



Public Testimony in favor of the application was provided by Tim Obrien and Greg Schroeder. Their comments included commending the applicant's entrepreneurial spirit and pioneering this concept, believed it was a good idea and would benefit the Town, belief that Ken Hoeve has a great background for this business and would be a fantastic in encouraging people to stay in Eagle.

The Planning and Zoning Commission discussed many aspects of the application. Some were in favor and some opposed to the application. Those opposed expressed concerns ranging from the safety of tubing in this stretch of river, adequacy of parking, adequacy of bathroom facilities, a belief that this application may be pre-mature in advance of the River Park and most fundamentally a lack of public process for leasing public land for private gain. Those in favor noted that it was a temporary three – four month operation, other rafting companies and vendors currently use Chambers Park, this requested operation would result in more visitors using our brick and mortar restaurants and businesses after renting a bikes, tubes or stand up paddle boards, approval of this application would acknowledge entrepreneurial spirit and that this temporary use permit would explore impacts and opportunities that would help the Town in the design of the River Park. In regards to parking, those in favor believed that additional parking was available in the summer months at the park and ride located across the street or at the truck parking lot. There was discussion of the possibility of continuing this application at the Planning and Zoning Commission to further discuss parking, bathrooms, location of the vending trailer and how lease terms could address potential impacts to the property.

However, at the conclusion of their deliberations those in opposition focused on the lack of an established public process to allow the use of public land for private purpose and believe that the Town needed to establish a process before a land use application should be considered. Those opposed to the application commended the applicant for his entrepreneurial spirit and would were interested in working out the details of the land use once the public policy issue and procedures had been addressed.

***Jamie Harrison made a motion to recommend denial of this application on the grounds that there is a significant policy decision required for using public land for private gain and that making this policy decision in context of a land use application (review by the Planning and Zoning Commission for a Temporary Use Permit) is not appropriate. IN FAVOR of the recommended denial: Jamie Harrison, Donna Spinelli, Jason Cowles, Charlie Perkins.***

***Opposed: Cindy Calicrate, Jesse Gregg, and Stephen Richards***

The Planning and Zoning Commission requested the staff to prepare a memo summarizing the concerns that Commission expressed at the meeting as well as the thinking of those in favor of the application and the public testimony provided



• US MAIL PO Box 5246, Eagle, CO 81631 • TEL 970.306.4121 • FAX 866.954.615 • EMAIL info@AlpineArms.com

Planning and Zoning Commission  
Town of Eagle  
via: Matt Farrar (matt.farrar@townofeagle.org)  
Re: TU16-01 Eagle Tubing & Photography

May 10, 2016

Dear Commission:

I am writing in regards to a temporary use permit application I was notified of yesterday by our Property Manager at Eagle Crossing Shopping Center. I am writing you as both an adjacent business owner and as a property owner at 50 Chambers Ave, Unit G.

For a multitude of reasons, I am against approval of this permit and I encourage you to NOT APPROVE this document. My reasons encompass safety, local business (lack of) support, location of this venture, and other reasons not pertinent to this letter. For a venture of this size, there are plenty of empty business spaces available in the Eagle Crossing Shopping Center (of which I have no interest) – with sidewalk access and within reasonable walking distance to the location requested. It would be at this time, in my opinion, in the best interest of the town and our immediate area for him to invest in the town and this business by opening up with a physical storefront.

I have met with Mr. Ed Sands, the Town attorney, and am recusing myself from this discussion and vote as a Board Trustee.

Please feel free to contact me if you have any questions or comments.

**Please include this letter in the Public Record.**

Thank you,

Matt Solomon  
Founder, General Manager  
DV-S, LLC dba Alpine Arms  
Hitman Holdings, LLC

Jennifer Kennedy  
Dewey Dabbles In Art, Inc.  
P.O. Box 3237  
50 Chambers Avenue, Unit H  
Eagle, CO 81631  
970-328-7687

To: Planning and Zoning Committee of Town of Eagle  
Attention: Matt Farrar  
Re: TU 16-01 Eagle Tubing and Photography

Dear Commission, I am writing this letter in regards to the temporary permit application of Eagle Tubing and Photography. I have had my business in the Eagle Crossing Shopping Center since 2008 and I along with other neighboring businesses, am against granting this temporary permit.

There are many reasons that I am against this. The Eagle River project is still years away and I am concerned over the safety of the river with the Rodeo hole just below the ramp. The river hasn't been cleaned up and what plans does the applicant have to ensure that people stay safe. Throughout the years accidents have occurred.

I also have invested in my business by buying my retail shop. Therefore I pay HOA dues, property taxes and do work alongside other businesses in the same complex. My business also gives back to the community especially when it comes to children, schools and special needs adults. I would like to see a business that would also invest in our community and we have plenty of office space ready in the Eagle Crossing Shopping Center.

The applicant has already threatened and harassed one of our business owners in the Eagle Crossing Shopping Center. We all support each other here and that attitude is not welcome.

Thank you for your time.

Sincerely, Jennifer Kennedy



May 12, 2016

Planning and Zoning Commission  
Town of Eagle

SUBJECT RE: TU16-01 Eagle Tubing & Photography

Dear Commission:

We have become aware of subject temporary use permit application. I am writing as owner/operator of the Back Bowl at 50 Chambers Avenue which is an adjacent business to the proposed use permit location.

I am AGAINST approval of said permit and would recommend the Commission NOT APPROVE it. First and foremost, the permit request conflicts with the planned development of the Eagle River Corridor as approved by the Town of Eagle and voted on by Eagle residents. Said development has begun, and any permits issued adjacent to said development should be consistent with the planned zoning and other requirements approved by the Town of Eagle and Eagle residents. Said zoning requirements should focus on fixed and not moveable structures consistent with the overall development.

Very truly yours,

Joe L. Gonzalez  
Founder and CEO  
The Bowlmor, LLC

*ACCML Eagle LLC*  
*P.O. Box 4990 - Eagle, CO 81631*  
*970-328-5920 x 2*

May 17, 2016

Town of Eagle  
Assistant Town Planner  
PO Box 609  
Eagle CO 81631

sent by email: [matt.farrar@townofeagle.org](mailto:matt.farrar@townofeagle.org)

Re: TU16-01 Eagle Tubing & Photography

Attention Planning & Zoning and Town of Eagle Board of Trustees;

We are in receipt of your letter dated May 6, 2016. As owner and landlord of the of the majority of Eagle Crossing Shopping Center we submit this letter in **objection** of Eagle Tubing & Photography application to operate a commercial venue at the noted location. Our tenants and fellow owners have invested years and dollars in the development of their businesses. These businesses have supported the TOE in both real estate and sales tax dollars. We do not see this operation as being a positive impact to our center, the park area adjacent to our property, an already crowded parking area during the summer months or the Town of Eagle.

ACCML Eagle LLC does not understand how this application can be approved with the current liability of our unimproved river. It is our understanding the river in this section is dangerous and seems a great liability for untrained visitors.

Please feel free to contact me via the contact information below.

Sincerely,

*Ken*

Kenneth E Shapiro  
Manager-ACCML Eagle LLC  
[ken1040@gmail.com](mailto:ken1040@gmail.com)

# Eagle Crossing Shopping Center Owner Association

PO Box 4990 Eagle CO 81631 / 970-328-5920 x 2

May 17, 2016

Town of Eagle  
Assistant Town Planner  
PO Box 609  
Eagle CO 81631

sent by email: [matt.farrar@townofeagle.org](mailto:matt.farrar@townofeagle.org)

Re: TU16-01 Eagle Tubing & Photography

Dear Town of Eagle Board of Trustees and Planning & Zoning;

This letter is sent in objection of Eagle Tubing & Photography application TU16-01 to operate a commercial venue in the Chambers Park parking area. Please DO NOT APPROVE this application. Outlined below is some of the reasoning our owners have shared with ECSCOA not to approve this application:

-There is little or no investment by applicant into the Town of Eagle, commercially or personally, applicant is a resident of Gypsum so there are no real estate taxes from even personal property that benefits the Town of Eagle (TOE).

-Other than a business license there is no rent, no sales tax and no property tax for the TOE from this operation.

-At this time there appears to be a great deal of liability on the side of the TOE allowing a venture that encourages the use of an unimproved, dangerous section of the river.

-Private commercial venues should not be allowed to operate on public open space. Common ground should be for the common good, only.

-There is plenty of brick and mortar storefront nearby with easy access to the park to house such a venue.

-Chambers Park would lose atmosphere if commercial vendors are allowed to open shop and do business; opening the door for additional vendors and more loss of atmosphere.

-Already limited parking during the summer months would be amplified.

Although encouraged by the development of the river corridor Eagle Crossing Shopping Center Owners Association cannot support this application and request the Town of Eagle rejects application TU16-01. If you have questions regarding this letter please contact Brian Maloney at 970-328-5920 x2.

Sincerely  
ECSCOA

*Brian D Maloney*

Brian Maloney  
ECSCOA – Assistant Secretary

Planning and Zoning Commission  
Town of Eagle  
Re: TUI16-01 Eagle Tubing & Photography

May 15, 2016

Dear Commission:

It is my hope to communicate that I believe the horse-trailer tubing, frozen yogurt and photography permit should be approved. The small town of Eagle has such charm because of unique places such as the Visitor's Center, Fairgrounds, Pharmacy/Nearly Everything Store along with natural resources of well maintained trails that are dry this time of year plus a beautiful stretch of the Eagle River running right through town. As the secret gets out and our town continues to grow, we will need more distinctive businesses in order to keep that charm. The development priorities in Eagle should be around what will continue to keep this peaceful yet special ambiance to our adorable small town.

The Eagle Tubing and Photography "welcome wagon" appears to be the perfect opportunity to provide unique services to those visiting our town as well as locals and would be an asset to the Eagle Visitor Center area. (Most) everyone in Eagle is excited about the River Project and since the new infrastructure won't be ready this summer, it would be ideal if we try to keep this momentum by drawing people to this area of town while also providing even more of a welcome when travelers stop by the Visitor's Center. A nicely renovated horse trailer down by the river would be an attraction to many and I hope that others will be open minded to this opportunity.

I was informed there is some resistance toward the permit and although I am not completely familiar with all the political logistics, I wanted to share my perspective as a local business owner and 13 year resident, who has maintained a coffeeshop in Eagle for 9.5 years and has seen our amazing town grow. The aspects of the town I do not love involve the lack of vision with development in areas due to overzealous contractors that do not add charm or a cohesive feel. These are the areas that were developed (or not developed) without a teamwork mentality or vision to tie our town together and have now left vacant retail locations. However, I personally love the idea of having a little wagon down by the river and have talked with Ken about the possibility of a seasonal satellite Yeti's Grind coffee bar inside the trailer because I see the potential. It would be a simplified version of our cafe, but would work well with the frozen yogurt and rentals (of possible cruiser bikes, disc golf and eventually tubes for the river, once it is safe enough to do so). The rentals would provide instant recreation and the photography of an iconic part of town will create fond memories for all who visit.

It may appear that he is a little ahead of the game but he has been lobbying for the River Project for years and now that it is approved, these are natural next steps. The intent is to create a little community around the river to ease into the River Project we are all so eagerly awaiting. I am aware there are empty retail spaces up the hill in the shopping center but I really don't think a brick and mortar location will have the same effect as the horse trailer in such a convenient and strategic location. It would also tie in the Fairgrounds theme in that area and fit the small town feel, providing an easily approachable venue for all. The Visitor's Center is an adorable small town treasure and this project would only enhance the welcome center vibe. It is unique projects like these that make people remember our town when they leave. Please creatively consider possibilities to add more and maintain the charm in our small town, Eagle.

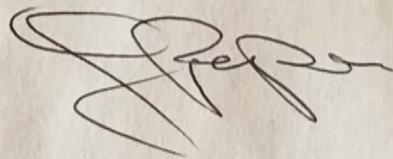
Sincerely,

Tara Picklo  
Yeti's Grind

To Eagle County Board of Trustees & Planning

My name is Leta Popa and I am  
the manager of the Eagle Diner located  
at 811 Chambers Ave. This letter is in  
full support of Ken Hoeve and his  
temporary Booth at the Visitor Center.  
If there is anything further you need  
Please feel free to contact me.

970-328-1919



# QUIET KAT

To Town Of Eagle Planning,

QuietKat is very excited for the opportunity to participate in a joint venture with Eagle Tubing and Photography. We believe the QuietKat Fat Tire Electric Bikes, which are bike path legal by Federal Law, will be a great asset to drive visiting guest into downtown Eagle, which would then result in dollars spent. I believe this type of business initiative is what the voters have been asking for, and QuietKat is in support.



Jake Roach

[jake@quietkat.com](mailto:jake@quietkat.com)

cell 970-471-8233

office 970-328-2399 x 22



215 Broadway Street, Eagle CO 81631-5830

[www.quietkat.com](http://www.quietkat.com)

5/16/2016

**From:** c. olden [<mailto:sylvan1048lake@yahoo.com>]  
**Sent:** Wednesday, May 18, 2016 11:03 AM  
**To:** All Trustees <[alltrustees@townofeagle.org](mailto:alltrustees@townofeagle.org)>; Angela Haskins <[angela@townofeagle.org](mailto:angela@townofeagle.org)>  
**Cc:** Tom Olden, <[pinemartenlogging@yahoo.com](mailto:pinemartenlogging@yahoo.com)>; Celena Olden <[sylvan1048lake@yahoo.com](mailto:sylvan1048lake@yahoo.com)>  
**Subject:** issues surrounding Special Use, Temporary permits

To Whom It Should Concern,

My name is Celena Olden; my husband Tom Olden and I attended the Planning & Zoning meeting last night that centered around an applicant's temporary use permit request for rental services beginning this summer at the Visitor Center, a part of public space belonging to the Town. The meeting revealed many issues which we, both as citizens and commercial property owners, want to highlight. We are OPPOSED to approving any street, temporary, or other transient-type of business until the following issues are addressed in a policy that nods to the concerns outlined below:

1. The Town of Eagle (municipal government) should NEVER go into competition with its commercial property tax-paying constituents. Jamie Harris proposed last night that the Town create leasable space for vendors to enter into leases with the Town down at the River Park; not only is this an inappropriate use of public space, leasing public space puts the Town into direct competition with local commercial property owners (**who, as a whole, have bore the burden of paying commercial property tax rates while suffering from unfilled rental units**). Such a proposal should never come up unless ALL commercial vacancies (as the supply) are mopped up and the demand is so strong that there is no other option; the possibility of the Town entering the commercial real estate market ought to be sent to the voting public.

2. Street vendor policies appear to be loose at best. Knowing many business owners in the town of Eagle, we have found ourselves in discussion with them about the sign code, in particular:

a. SIGNAGE: the strict limitations brick and mortar business face in advertising square footage compared to the square footage occupied by a vendor is unfair and extremely disproportionate: the veggie vendor is a perfect example, whose trailer is literally covered with signage on it and above, and has a multiple of signage square footage with both signs in the grass and on the roundabout guy himself.

1. what would our town look like if EVERY street vendor applicant utilized the same signage amount that the veggie vendor does - imagine even just 5 more vendors doing the same thing!

2. Freedom of Speech is for ideas, not products, and we intend to challenge that the veggie sign in the roundabout does not fall under free speech parameters.

b. COMMERCIAL PROPERTY TAXES: commercial property taxes are not paid by street vendors, giving them an unfair economic advantage with pricing that doesn't have to include such overhead.

c. SALES TAXES: how are street vendors held accountable for collected sales tax by the town, county, and state? Can they collect sales tax and suddenly disappear overnight, only to dupe the next town and make off the same way?

d. JOBS: employment of local citizens: do 'gypsy' street vendors create jobs for locals, who return it to the local economy?

e. LEVEL FIELD OF COMPETITION: do they COMPETE with accountable, licensed, sales tax-collecting businesses who struggle for every sale possible? Do they harm the local business community, who the citizens depend on for their needs? Even seasonally, such vendors can harm the sales of such invested businesses!

f. PARKING: local businesses are expected to provide parking for their customers based on the Land Use Code: parking is both necessary and expensive and street vendors are expected to demonstrate satisfying a parking solution at a their own expense/insurance/maintenance just as brick and mortars do.

1. the proposal for the tubing applicant (vendor) is to utilize public parking lots for his business, something that could never happen with a brick and mortar business. Again, the use of public (tax payer) space for private business gain is not appropriate, nor should the local government be allowed to 'lease out' public parking, especially to non-invested temporary businesses who don't contribute their tax share.

3. If the Town of Eagle enters into commercial leasing of real estate owned by the tax-paying public, it should also have to pay commercial property tax at the same rate as what is expected for private citizens; the lease rate reflects such an overhead to any lessee, so anything contrary to this **means the tax-payers are subsidizing the private lessee through lower lease rates.**

4. We are in favor of granting temporary use permits to operators who **already occupy a brick and mortar location first and foremost**, i.e. awarded a permit on a POINT SYSTEM, that rewards applicants for being fully invested in the community from which they want to profit. By doing this, it gives the opportunity first to those business owners who already employ locals, as an additional method of strengthening their business while simultaneously growing their local brand recognition. Points should also be awarded to proof of residency in the town, as well as points awarded for hiring additional Eagle residents to staff such operations . **Driving the local economy** should be just as strong as providing the amenity, **not to mention that the local retail business base strength is what supports this River Park via sales tax!** By using a point system, and weighting points for local businesses also operating as street vendors, any additional sales opportunities are directed back to the brick and mortar locations that *further* strengthen the local economy and sales tax base; such local marketing can work reverse the very-real outside perception that what one Eagle resident/Edwards restaurant owner recently said to me: "Eagle is where businesses go to DIE!"

Additionally, it is the fiduciary responsibility of both Boards to consider ALL such issues when granting permits of any kind. It is also the fiduciary responsibility of the Town to maintain and enforce conformance to all permit stipulations from year-to-year, which has NOT occurred in a specific situation with regard to the operation of Boyz Toyz (BT). It is our understanding the Planning department oversees permit conformance, therefore is ultimately responsible for whether or not Special Use permits have been followed. We have been provided, at our insistence, the language of the Special Use permit for BT: it is clear that the compliance has not

been enforced by Planning, which has had very negative consequences in the tenancy rate for our building, causing us financial harm as adjacent property owners/lessors. **UNTIL the Planning department is held accountable for enforcing Temporary/Special Use permits, the Boards cannot act in good faith by awarding any such permits!**

**We are heavily invested in this town as property tax payers and as residents; as such, we have high expectations of accountability, professionalism, transparency, ethical, and fiduciary responsibility on behalf of the Town, both its staff, and its Boards.**

**Thank you,  
Celena and Tom Olden**

# EAGLE RIVER PARK (EAGLE, CO)

BY TOWN OF EAGLE STAFF



*Eagle River Park design.*  
Photo by Town of Eagle, CO

**T**HE DESIGN AND construction of the Eagle River Park is the first step in implementation of the Town of Eagle's visionary and ambitious River Corridor Master Plan that was adopted by the town in December of 2015 ([www.townofeaglerivercorridorplan.org](http://www.townofeaglerivercorridorplan.org)).

The Eagle River Park has been identified for a section of the Eagle River that was reconfigured and heavily affected by the construction of Interstate 70 in the early 1970s. The area along this particular section of the Eagle River is currently used primarily as a large dirt parking lot for semi-trucks. There is a chain link fence along the dirt parking lot that inhibits access to the river. The current use of this area creates a less than desirable first impression for the Town of Eagle, as well as the Eagle County Fairgrounds. With the construction of the Eagle River Park the gateway for both the Town of Eagle and the County Fairgrounds will be considerably improved.

The primary objective in the design of the Eagle River Park is to create a project that is a win-win for all stakeholders involved. The

town envisions a river park that includes the following:

- World-class in-stream features for beginner to pro-level kayakers, stand-up paddle boarders, and river surfers
- Improved fish passage and habitat
- Preservation of existing, mature areas of riparian vegetation, as well as planting of new riparian vegetation to improve the riparian ecosystem
- Boulder terracing along the riverbank to improve river access and to reinforce and stabilize the riverbank
- Natural depositional areas along the edge of the river that will provide beach areas for residents and visitors to enjoy along the river
- Improved downstream passage for river users, including a bypass channel for those who want to skirt the first two in-stream features

- An ADA accessible route to the river
- A roughly 2.5 acres riverside park that will provide active and passive recreation areas, river overlooks, restrooms, and areas for mobile vendors (e.g., food trucks)
- Amenities for swift water rescue training
- Connections to local and regional trail networks
- A parking area that will accommodate day users of the Eagle River Park, users of the nearby Eagle County Rodeo Arena and Fairgrounds, and semi-trucks during emergency closures of Interstate 70

Preliminary cost estimates provided to the town by S20 Design ([s2odesign.com](http://s2odesign.com)) and studioINSITE ([studio-insite.com](http://studio-insite.com)) for Phase I of the Eagle River Park totaled approximately \$5.6 million. Phase I includes the in-stream features and riverbank improvements, the riverside park, and

# STEWARDSHIP

connections to local and regional trails. Being a small community of approximately 6,500 people, the Town of Eagle has limited financial resources to fund a project of this magnitude. Therefore, the town had to investigate a variety of options in order to find a potential source of funding for this project. Ultimately, the town landed on a 0.5% sales tax increase to fund the Phase I improvements. The town intends to leverage a portion of the revenues from this additional sales tax for grants. On April 5, 2016, voters in Eagle will decide whether or not to approve the 0.5% sales tax increase. If voters approve the tax increase, the town anticipates beginning construction of the Eagle River Park in the winter of 2016.

Estimates prepared for the Eagle River Park predict that the river park will attract

anywhere from 17,165 – 32,847 non-commercial river users (i.e., kayakers and stand-up paddle boarders) per year. Assuming that the average expenditure per user is \$35, it is estimated that the town will see an increase in total expenditures of \$600,775 - \$1,149,645. This will equate to \$24,031 - \$45,986 of additional tax revenue for the town. The estimates for the Eagle River Park do not account for the economic impacts of new residents, new businesses, non-river user visits or additional interstate travelers who may be attracted to Eagle as a result of the river park. Based on discussions with other communities that have constructed river parks, the economic impacts that Eagle could realize may be significantly greater than those generated solely by kayakers and stand-up paddle boarders.

The Town of Eagle is excited to have American Whitewater's support for the implementation of the town's River Corridor Master Plan. Partnerships between the town and organizations such as American Whitewater are essential to bringing this plan's bold vision to fruition.

Those interested in learning more about the Eagle River Park project or the Town of Eagle's - River Corridor Plan should contact Matt Farrar (Assistant Town Planner) at the Town of Eagle ([matt.farrar@townofeagle.org](mailto:matt.farrar@townofeagle.org)).

**GUNNISON**  
**RIVER FESTIVAL**

GUNNISON  
WHITEWATER PARK  
TAYLOR RIVER CANYON

2016  
JUNE 24-26

[www.gunnisonriverfestival.com](http://www.gunnisonriverfestival.com)

f t u

FESTIVAL  
GUNNISON RIVER

PSA

The poster features a central silhouette of a kayaker in a blue river with white rapids. The background is dark with a blue and white wave pattern. The text is in various colors and fonts, including a large 'GUNNISON RIVER FESTIVAL' in white and blue. There are logos for the festival and PSA (Public Safety Association) on the right side.



**Town Board of Trustees  
Monday and Tuesday, June 20 and 21, 2016  
8:00 a.m. – 5:00 p.m.**

**BOARD RETREAT**

**Frost Creek 1094 Frost Creek Dr, Eagle, CO**

*This agenda and the meetings can be viewed at [www.townofeagle.org](http://www.townofeagle.org).  
Meetings are also aired online at <https://vimeo.com/channels/townofeagle/>.*

**Monday, June 20**

**Morning**

1. Review Agenda / Address Comments
2. Strategic Plan Development Process (1 hour)
  - Staff Mission/Vision Values
3. Economic Development (1.5 hours)
  - Central Business District
  - Business Recruitment, Retention & Expansion
  - Partnerships
  - Economic Development Plan

**Lunch**

1. Five year Capital Improvement Program (3.5 hrs.)
  - General Discussion
  - Lower Basin Water Treatment Plant
  - Riverfront Project
  - Park Improvement Plan

**Tuesday, June 21**

1. Preliminary Board Prioritization Process ( 2hrs)
2. Town Board/Manager Form of Government (1 hour)
  - Communication
  - Length of Meetings
3. Town Committee/Board Updates & Communication (2 hrs)
  - Riverfront Committees/Overall coordination/Citizen Involvement
  - Planning & Zoning Board



- Recreation Committee
- Pool & Ice Rink Committee
- Eagle Ranch Housing Corporation

**Lunch**

4. Tammy Tanoue, CIRSA General Council/Deputy Executive Director – Ethics in Government (2:00-3:00 pm)
5. Eagle Code of Ethics

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.

A handwritten signature in blue ink, appearing to read "Jenny", is written over a horizontal line.

Jenny Rakow, CMC  
Town Clerk

DRAFT



THANK YOU



WWW.COLORADOMTB.ORG

1165 Oakdale Place, Boulder, CO 80304 720.272.0282

Year Army!

Thank you for being an outstanding host community & sponsor. The sponsorship check arrived and the April Coaches Summit was another great bonding experience with incredible weather.

The Town of Eagle is a very special place in the part to your efforts. Much appreciation for following the packs & coordinating our events.

Excited to see you in scene if not before. It was a special treat to have you & John take the time to say "hello" last weekend.

"With much gratitude from all of us at the Colorado High School Cycling League"

Warmest regards  
John

